

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James M. Tranquilla

Appln. No.: 10/695,589

Filed: October 28, 2003

Title: METHOD OF REMOVING MERCURY
ASH FROM MERCURY
CONTAMINATED MATERIALS

Confirmation No.: 5372

Group Art Unit: 1742

Examiner: M. J. Andrews

Atty. Docket No. 118300.00008
Customer ID 25207**PETITION UNDER 37 CFR 1.313(c)(2)**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
*Via Facsimile No.: 571-273-0025***FAX RECEIVED**

NOV 16 2005

OFFICE OF PETITIONS

Sir:

Pursuant to 37 CFR 1.313(c)(2), Applicant hereby requests that the above-referenced patent application be withdrawn from issuance and provides the following:

1. Pursuant to the Notice of Allowance mailed by the Patent Office on June 29, 2005, the issue fee, publication fee, and fee for extra copies of the issued patent, totaling \$1,030.00, was submitted on September 7, 2005.
2. Subsequent to payment of the issue fee for the immediate application, Applicants received a European Search Report dated September 23, 2005, in a corresponding European application. The report cited four references, two of which were noted as particularly relevant to the patentability of the instant invention.
3. Concurrent with this Petition, Applicants submit a Request for Continued Examination and an accompanying Information Disclosure Statement listing all art cited in the related European Search Report.
4. Applicant submits the following fees:
 - a. Petition fee in the amount of \$130.00;
 - b. Request for Continued Examination fee in the amount of \$395.00.

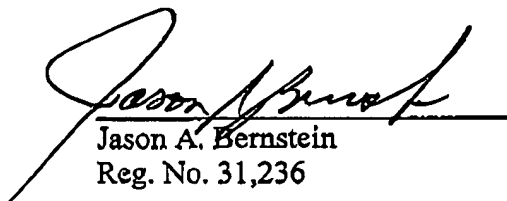
**ATTY. DOCKET NO. 118300.00008
CUSTOMER ID 25207**

Further, Applicant notes that on November 16, 2005, Applicant spoke with a customer representative with the Office of Petitions, and was informed that sufficient time remains before the issue date to consider (and grant) the instant Petition and that upon receipt of this Petition, the Request for Continued Examination, and the Information Disclosure Statement filed concurrently herewith, the application would be forwarded to the Examiner for consideration.

Applicant hereby requests that the instant patent application be withdrawn from issuance, that the Request for Continued Examination and Information Disclosure Statement filed concurrently herewith be considered, and that upon issuance of the instant application, the issue fee in the amount of \$1,030.00 previously submitted be credited toward the issue fee then assessed. Thank you very much.

Respectfully submitted,

POWELL GOLDSTEIN LLP



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MAIL STOP PETITION

FACSIMILE NO.: 571-273-0025

PTO/SB/21 (08-03)

Approved for use through 08/30/2003, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

22

Application Number

10/695,589

Filing Date

October 28, 2003

First Named Inventor

James M. Tranquilla

Art Unit

1742

Examiner Name

M. J. Andrews

Attorney Docket Number

118300.00008

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Supplemental declaration
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
- ☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation
Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance communication
to Technology Center (TC)
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please
Identify below):
- Request for Continued Examination (RCE)

Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Jason A. Bernstein
Reg. No. 31,236

Signature

Date

Jason A. Bernstein

November 16, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Selina Moore

Signature

Selina Moore

Date

November 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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